



# Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

[www.merrimacknh.gov](http://www.merrimacknh.gov)

Planning - Zoning - Economic Development - Conservation

## RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT WEDNESDAY, FEBRUARY 26, 2020

**Board members present:** Richard Conescu, Kathleen Stroud, Patrick Dwyer, Lynn Christensen, Rod Buckley, and Alternates Leonard Worster and Drew Duffy

**Board members absent:** Alternate Ben Niles

**Staff present:** Planning & Zoning Administrator Robert Price

### 1. Call to Order

*Richard Conescu called the meeting to order at 7:00 p.m.*

### 2. Roll Call

*Richard Conescu led the pledge of allegiance and swore in members of the public who would be testifying. Patrick Dwyer read the preamble.*

3. **Streif, LLC (petitioner/owner)** – Variance under Section 3.02, Note 6 of the Zoning Ordinance to permit the construction of a 3,000 sq. ft. building 30 feet from Daniel Webster Highway whereas 50 feet is required. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. Case # 2019-39. **This item is continued from the November 20, December 18, 2019, and January 29, 2020 meetings. This item has been withdrawn by the petitioner.**

*Withdrawn by petitioner.*

4. **Streif, LLC (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit the construction of a retaining wall 10.88 feet from the front property line whereas 30 feet is required. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. Case # 2019-40. **This item is continued from the November 20, December 18, 2019, and January 29, 2020 meetings. This item has been withdrawn by the petitioner.**

*Withdrawn by petitioner.*

5. **Streif, LLC (petitioner/owner)** – Special Exception under Section 2.02.3(C)(1) of the Zoning Ordinance to allow for a residential use in the C-2 (General Commercial) District. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. Case # 2019-41.

**This item is continued from the November 20, December 18, 2019 and January 29, 2020 meetings.**

***At the petitioner's request, the Board voted 5-0-0 to continue this item to March 25, 2020, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Patrick Dwyer and seconded by Rod Buckley.***

6. **Streif, LLC (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a density of 3 multi-family residential units in the C-2 (General Commercial) District whereas 1 per 40,000 square feet is allowed. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. Case # ZBA 2020-03.

***At the petitioner's request, the Board voted 5-0-0 to continue this item to March 25, 2020, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.***

7. **Streif, LLC (petitioner/owner)** – Variance under Section 3.02, Note 6 of the Zoning Ordinance to permit the construction of a 2,950 sq. ft. building 22 feet from the Daniel Webster Highway right-of-way whereas 50 feet is required. The parcel is located at 406 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 5D-4, Lot 099. Case # ZBA 2020-04.

***At the petitioner's request, the Board voted 5-0-0 to continue this item to March 25, 2020, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.***

8. **David Theide (petitioner/owner)** – Special Exception under Section 2.02.2(C) of the Zoning Ordinance to permit an existing single-family dwelling use to continue on a commercially-zoned parcel that is proposed for a mixed (residential and commercial) use. The parcel is located at 575 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts, and Wellhead Protection Area. Tax Map 6D-1, Lot 102. Case # ZBA 2020-05.

*Petitioner was represented by: David Theide & Robert Spencer, petitioners & owners.*

*Public comment was received from: Rachel Watkins, 7 Rainbow Avenue.*

***The Board voted 5-0-0 to grant the Special Exception, with conditions, on a motion made by Patrick Dwyer and seconded by Kathleen Stroud.***

9. **Christopher Ross, LLC (petitioner/owner)** – Special Exception under Section 2.02.2(C) of the Zoning Ordinance to allow a residential use in the C-1 (Limited Commercial) District. The parcel is located at 401 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 083. Case # ZBA 2020-06.

***At the petitioner's request, the Board voted 5-0-0 to continue this item to March 25, 2020, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Patrick Dwyer and seconded by Kathleen Stroud.***

- 10. Christopher Ross, LLC (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a density of 12 multi-family residential units in the C-1 (Limited Commercial) District whereas 1 per 40,000 square feet is allowed. The parcel is located at 401 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 083. Case # ZBA 2020-07.

*At the petitioner's request, the Board voted 5-0-0 to continue this item to March 25, 2020, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Patrick Dwyer and seconded by Lynn Christensen.*

- 11. Christopher Ross, LLC (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to allow the construction of an addition 12.33 feet from the side property line whereas 20 feet is required. The parcel is located at 401 Daniel Webster Highway in the C-1 (Limited Commercial), Aquifer Conservation and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 083. Case # ZBA 2020-08.

*At the petitioner's request, the Board voted 5-0-0 to continue this item to March 25, 2020, at 7:00 p.m., in the Matthew Thornton Meeting Room, on a motion made by Kathleen Stroud and seconded by Patrick Dwyer.*

- 12. Discussion/possible action regarding other items of concern**

*None.*

- 13. Approval of Minutes – January 29, 2020**

*The minutes of January 29, 2020 were approved as submitted, by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Kathleen Stroud.*

- 14. Adjourn**

*The meeting was adjourned at 7:24 p.m. by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Kathleen Stroud.*